

FRUITS AND VEGETABLES**CANNED FRUIT**

16376. Misbranding of canned peaches. U. S. v. 198 Cases * * *. (F. D. C. No. 29053. Sample Nos. 34771-K, 34781-K.)

LIBEL FILED: April 10, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 27, 1950, by The Great Atlantic & Pacific Tea Co., from Oakland, Calif.

PRODUCT: 198 cases, each containing 24 1-pound, 14-ounce cans, of peaches at Philadelphia, Pa.

LABEL, IN PART: (Can) "Fruit Basket Sliced Elberta Yellow Freestone Peaches In Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the optional packing medium present in the food since its label bore the statement "In Extra Heavy Syrup," and the product was packed in heavy sirup.

DISPOSITION: August 16, 1950. Hickmott Canning Co., Antioch, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

16377. Adulteration of canned pears. U. S. v. 38 Cartons * * * (and 1 other seizure action). (F. D. C. Nos. 28748, 28749. Sample Nos. 73824-K, 73825-K.)

LIBELS FILED: March 7 and 9, 1950, Eastern and Southern Districts of New York.

ALLEGED SHIPMENT: On or about December 15, 1949, by the Rogue River Packing Corp., from Medford, Oreg.

PRODUCT: 147 cartons, each containing 24 1-pound, 13-ounce cans, of pears at Brooklyn and New York, N. Y.

LABEL, IN PART: (Can) "A&P Grade A Pears Halves In Heavy Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of an objectionable cresol-like flavor.

DISPOSITION: July 27 and August 2, 1950. The Rogue River Packing Corp. having withdrawn its claims, judgments of condemnation were entered and the court ordered that the product be destroyed.

DRIED FRUIT

16378. Adulteration of mixed dried fruit. U. S. v. 500 Cases * * *. (F. D. C. No. 29044. Sample No. 34751-K.)

LIBEL FILED: April 14, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about February 24, 1950, by Hunt Foods, Inc., Guggenlime Div., from Hayward, Calif.

PRODUCT: 500 30-pound cases of mixed dried fruit at New York, N. Y.

LABEL, IN PART: (Case) "Fuchsia Extra Choice Mixture of Fruits * * * Dried."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, insects, and insect excreta; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 21, 1950. Default decree of condemnation and destruction.

16379. Adulteration of dried black raspberries. U. S. v. 7 Barrels * * *. (F. D. C. No. 28042. Sample No. 62886-K.)

LIBEL FILED: October 13, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 20, 1949, by W. E. Otto & Co., from Naples, N. Y.

PRODUCT: 7 barrels, each containing 200 pounds, of dried black raspberries at Charlestown, Mass.

LABEL, IN PART: (Barrel) "Evap. Black Raspbys."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hair fragments, and of a decomposed substance by reason of the presence of rotten berries; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 18, 1950. Default decree of condemnation and destruction.

FRUIT BUTTER

16380. Adulteration of apple butter. U. S. v. Colonial Mfg. Co., Inc., and Leamon T. Wilkes. Pleas of nolo contendere. Defendants jointly fined \$100. (F. D. C. No. 29171. Sample Nos. 61381-K, 61578-K, 61579-K, 68065-K.)

INFORMATION FILED: May 15, 1950, Western District of Oklahoma, against Colonial Mfg. Co., Inc., Oklahoma City, Okla., and Leamon T. Wilkes, president.

ALLEGED SHIPMENT: On or about October 13, November 3, and December 5, 1949, from the State of Oklahoma into the States of Missouri and New Mexico.

LABEL, IN PART: "Zestee [or "Colonial"] Apple Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair.

DISPOSITION: June 12, 1950. Pleas of nolo contendere having been entered, the defendants were jointly fined \$100.

VEGETABLES

16381. Adulteration of beans, peas, and rice. U. S. v. 291 Cases, etc. (F. D. C. No. 28537. Sample Nos. 63875-K to 63880-K, incl., 63981-K, 63983-K, 63985-K.)

LIBEL FILED: January 24, 1950, Western District of North Carolina.